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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,695	09/19/2003	Sang K. Sheem		6232

7590

09/23/2005

SANG K. SHEEM
1790 PASEO DEL CAJON
PLEASANTON, CA 94566

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,695

Applicant(s)

SHEEM, SANG K.

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/19/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding claim 10, the phrase "or the likes" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
3. Regarding claim 14, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
4. Regarding claim 15, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-7, 9-15 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogulski (US Patent 4,071,740) in view of Dupuy 2557916 (Derwent 1985-205049).

Gogulski teaches an automated shopping system similar to applicant's including:

- A body
- A base
- Transportation means
- A rechargeable battery (see column 3, lines 49-51)
- Information hardware
- Pushbuttons (34) to communicate with a store employee for help
- A computer (12) for dispensing information via slot (31) such as product information
- Product information is stored according to the barcode (line code) of each product (see column 1, lines 21-39)
- The system includes a barcode scanner (26, 46) (see column 2, lines 52-68)
- The information hardware includes the status of the cart (see column 3, lines 43-48)

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- The information hardware includes an antenna (see teaching of receivers in column 7, lines 58-63)
- The information is received utilizing a wireless communication link in part with the in-store central computer (note, there are no wires connecting the carts with the central computer)

Gogulski lacks the teaching of a cart with a height too high to deter theft.

Dupuy 2557916 teaches a cart with a height too high to pass through an exit gate including a sound alarm.

Based on the teachings of Dupuy 2557916, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the cart of Gogulski to have a height too high to pass through exit gates to prevent the theft of an expensive cart to keep consumer cost low. Re claims 20 and 21, the use of remote data centers and information received via the internet is old and well known. Based on the teaching of wireless communication taught by Gogulski, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to include remote data centers and information received via the internet to reduce the time required for uploading information at each store/supermarket individually.

6. Claims 1-8, 10-14, 18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US Patent 5,361,871) in view of Dupuy 2557916 (Derwent 1985-205049).

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Gupta et al. teaches an automated shopping system similar to applicant's including:

- A body
- A base
- Transportation means
- A rechargeable battery (located within the microcomputer 3 and remote unit battery 9) stored in the base area
- Information hardware (3)
- Storage hardware (2)
- A strip sensor to detect that a cart is exiting the store
- Pushbuttons (34) to communicate with a store employee for help
- A computer (12) for dispensing information via slot (31) such as product information
- Product information is stored according to the barcode of each product (see column 6, lines 40-46)
- The system includes a barcode scanner (4) (see the abstract)
- The information hardware includes the status of the cart
- The information hardware includes an antenna (note teaching of radio transmitters and receivers in column 12, lines 27-36)
- The information is received utilizing a wireless communication link in part with the in-store central computer (note, there are no wires connecting the carts with the central computer)
- Re claim 13, see column 8, lines 46-55

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Gupta et al. lacks the teaching of a cart with a height too high to deter theft.

Dupuy 2557916 teaches a cart with a height too high to pass through an exit gate including a sound alarm.

Based on the teachings of Dupuy 2557916, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the cart of Gupta et al. to have a height too high to pass through exit gates to reduce significant risk of expensive damage or theft of remote unit-equipped carts.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. ('871) and Derwent (2557916) as applied to claim 1 above, and further in view of Sloane (US Patent 5,918,211).

The combination of Gupta et al. and 2557916 teach the features described above.

The combination of Gupta et al. and 2557916 lack the teaching of a video camera.

Sloane teaches a video camera (4a, 44b).

Based on the teachings of Sloane, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the cart to include a video camera to readily assist customers and to enable the surveillance of the scanned products and products being placed into the cart.

Conclusion

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holtan et al. shows a cart pulling device with dual cable drums and dual torsion springs.

Begum shows an automated shopping cart handle.

Begum shows another automated shopping cart handle.

Lipschitz shows a shop E Z cart.

Lipton et al. shows a shopping cart attachment.

Trubiano shows a shopping cart apparel hanger.

Ackerson shows a security gate.

Castaneda shows a shopping cart theft-control apparatus.

Greenfield shows a barrier.

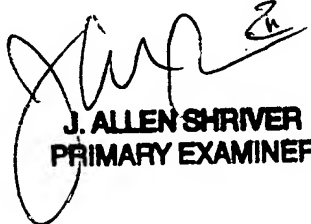
Greenfield shows another barrier.

Greenfield shows yet another barrier.

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

August 22, 2005


J. ALLEN SHRIVER
PRIMARY EXAMINER